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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

THE RIGHT TO CLEAN WATER: A CONSTITUTIONAL PERSPECTIVE

AUTHORED BY - JAY KUMAR GUPTA, SARANSH SHARMA & PRANAV PATIL¹

Abstract

Addressing water scarcity in India is a multi-faceted issue that requires government intervention, community engagement, and sustainable practices. Encouraging water conservation, improving infrastructure for waste management, and implementing stricter regulations on industrial discharge are essential steps. Ensuring the availability of clean and sufficient water is crucial for India's health, economic prosperity, and environmental sustainability. Collaborative efforts from all stakeholder will be key to overcoming this critical challenge and securing a water-secure future for the nation. Both Indian and South African constitutional law recognize the right to water, but they approach it from different angles. There is no question that access to water is a fundamental human right, protected by law. In India, however, there is a need to further promote the right to access water. The successful implementation and enforcement of this right often depend on the availability of resources. Social and economic rights, such as the right to water, are politically sensitive because their effective realization often requires governments to reassess the allocation and distribution of resources. This sometimes involves significant systemic changes influenced by judicial decisions.

Keywords: Water, Constitution. Fundamental Rights, Goal 6, Sustainable Use etc

Introduction

Water is fundamental to life and is abundant on Earth. It is covering approximately 71% of the planet's surface. However, despite this abundance, water is a scarce resource. It is due to the fact that the majority is either saline or inaccessible. Oceans contain around 96.5% of the Earth's water, while the rest is present in the atmosphere as vapor, in rivers, lakes, ice caps, glaciers, and as soil moisture underground. Only 2.5% of the Earth's water is fresh and only 0.3% of that is found in liquid form on the surface.

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As per the Composite Water Management Index 2019 published by NITI Aayog in collaboration with the Ministry of Jal Shakti and the Ministry of Rural Development, reveals that India's water crisis is more severe than commonly understood. The report further highlights that India's urban population is expected to reach 600 million by 2030 which will create a massive challenge in meeting its water demands. India holds only 4% of global freshwater resources despite having 17% of the world's population.²

The World Health Organization also noted that, according to a response to the Lok Sabha on March 16, 2017, iron was found in the water supplied to 30% (or 19,720) of rural Indian households. Iron contamination in drinking water can lead to respiratory hemorrhages. Additionally, arsenic was detected in the water sources of 21% of these households, posing significant health risks.

Right to Water and International Frameworks

The United Nations General Assembly adopted Resolution 64/292 in July, 2010 which formally recognized the human right to water. Furthermore, it also affirms the right to safe, clean, and affordable water and sanitation services. It emphasizes that access to these essentials is fundamental for a dignified life by underscoring the importance of safe and clean drinking water and sanitation as essential human rights for the enjoyment of life.³

Defining the Right to Water in the Sustainable Development Goals (SDGs)

As per UN, the right to water means that everyone should have access to sufficient, safe, acceptable, physically accessible, and affordable water for personal and domestic purposes.⁴ The General Assembly adopted the 2030 Agenda for Sustainable Development in September 2015. It includes 17 Sustainable Development Goals (SDGs) which are rooted in the principle of "leaving no one behind". It is the agenda which emphasizes an inclusive approach to achieving global sustainable development. Furthermore, Goal 6 of the SDGs focuses on ensuring the availability and sustainable management of clean water and sanitation for all.⁵

² 1 NITI Aayog (2019), Composite Water Management Index, Available at: Pg 187 <https://niti.gov.in/sites/default/files/2019-08/CWMI-2.0-latest.pdf>, accessed on 07 Jan, 2020

³ 1 UNW-DPAC, The Human Right to Water and Sanitation, Available at: www.un.org/waterforlifedecade/pdf/human_right_to_water_and_sanitation_milestones.pdf

⁴ UN Water, Human Rights to Water and Sanitation, UNITED NATIONS, Available at: <https://www.unwater.org/water-facts/human-rights/>, accessed on 07 Jan, 2020

⁵ Department of Economic and Social Affairs Disability, #Envision2030 Goal 6: Clean Water and Sanitation, UNITED NATIONS, Available at: <https://www.un.org/development/desa/disabilities/envision2030-goal6.html>, accessed on 07 Jan, 2020

Targets for Goal 6

1. Restore and protect ecosystems related to water by 2020.
2. Ensure universal and equitable access to safe and affordable drinking water for all by 2030.
3. Provide access to adequate and equitable sanitation and hygiene for all, and eliminate open defecation by 2030.
4. By 2030, improve water quality by reducing pollution, eliminating dumping, minimizing the release of hazardous materials, and halving the proportion of untreated wastewater, while significantly increasing water recycling and reuse.
5. By 2030, enhance water-use efficiency across all sectors and ensure sustainable freshwater supply to combat water scarcity, reducing the number of people affected by water shortages.
6. By 2030, implement integrated water resources management at all levels, including transboundary cooperation where appropriate.
7. By 2030, enhance international cooperation and capacity-building for developing countries in water and sanitation activities, such as water harvesting, desalination, efficiency, wastewater treatment, recycling, and reuse technologies.
8. Strengthen and support the involvement of local communities in improving water and sanitation management.

South Africa's Constitutional Right to Water

South Africa has enshrined the "Right to Water" in its constitution. The country's Supreme Court has outlined the right to water as follows:

- All individuals must have physical access to water, meaning water facilities should be within safe and reasonable physical reach for the entire population, particularly vulnerable and marginalized groups.
- Economic access to water must be ensured, meaning that the cost of accessing water should not prevent individuals from meeting other basic needs.
- Where the right to water is guaranteed, it must be protected from undue infringement, ensuring individuals have consistent and reliable access.

International Milestones for Water Rights: Timeline

March 1977, Mar del Plata UN Water Conference⁶

The United Nations Water Conference in Mar del Plata marked a significant milestone by acknowledging, for the first time, that access to drinking water is a fundamental right. It declared that "all peoples, regardless of their stage of development or social and economic conditions, have the right to access drinking water in quantities and of a quality sufficient to meet their basic needs." The conference also emphasized the importance of affordable access to clean water and sanitation.

June 1992, United Nations Conference on Environment and Development (Rio Summit)⁷

At the Rio Summit, Agenda 21 reinforced the Mar del Plata Water Conference's resolution that access to drinking water is a universal right. This was established as a "commonly agreed premise" and reflected the global consensus on the issue.

September 1994, United Nations International Conference on Population and Development⁸

The Programme of Action from this conference highlighted that every individual has the right to a standard of living that includes adequate provisions for food, housing, water, and sanitation for themselves and their families.

December 1999, UN General Assembly Resolution A/Res/54/175: "The Right to Development"⁹

This resolution emphasized the critical role of the right to clean water in achieving the right to development. It affirmed that access to food and water is a fundamental human right and a moral obligation for both national governments and the international community.

⁶ United Nations, Report of the United Nations Water Conference, Mar del Plata, Argentina, 14-25 March 1977, U.N. Doc. A/Conf.70/29 (1977)

⁷ United Nations, Agenda 21: Programme of Action for Sustainable Development, U.N. Doc. A/Conf.151/26 (1992).

⁸ United Nations, Report of the International Conference on Population and Development, Cairo, 5-13 September 1994, U.N. Doc. A/Conf.171/13 (1994).

⁹ United Nations General Assembly, Resolution 54/175: The Right to Development, U.N. Doc. A/Res/54/175 (1999)

September 2002, World Summit on Sustainable Development¹⁰

The Johannesburg Summit stressed the connection between human dignity and basic necessities such as clean water, sanitation, energy, healthcare, food security, and biodiversity protection. It called for urgent action to increase access to these essential services.

November 2002, General Comment No. 15 on the Right to Water¹¹

The General Comment No. 15 provided an interpretation of the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), confirming that the right to water is protected under international law. It linked the right to water with the right to an adequate standard of living (Article 11) and the right to the highest attainable standard of health (Article 12). It emphasized that access to water is indispensable for leading a life of dignity and is fundamental to realizing other human rights.

December 1979, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)¹²

Article 14(2)(h) of CEDAW outlines the need for equal treatment of women in rural areas, ensuring they benefit from development efforts. It specifies that states must work to eliminate discrimination and guarantee women enjoy adequate living conditions, particularly in relation to water supply, housing, sanitation, and other basic services.

November 1989, Convention on the Rights of the Child¹³

The Convention on the Rights of the Child calls for the provision of adequate nutritious food and clean drinking water as part of efforts to combat disease and malnutrition. Article 24(2) emphasizes measures to ensure access to clean water, particularly in the context of primary healthcare and environmental pollution.

¹⁰ United Nations, Plan of Implementation of the World Summit on Sustainable Development, U.N. Doc. A/Conf.199/20 (2002).

¹¹ United Nations Committee on Economic, Social and Cultural Rights, General Comment No. 15: The Right to Water, U.N. Doc. E/C.12/2002/11 (2002)

¹² United Nations General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, U.N. Doc. A/34/46 (1979).

¹³ United Nations General Assembly, Convention on the Rights of the Child, U.N. Doc. A/RES/44/25 (1989).

January 1992, International Conference on Water and Sustainable Development (Dublin Conference)¹⁴

Principle 4 of the Dublin Conference highlighted the basic right of all people to access sufficient water for their needs. It acknowledged the importance of recognizing this right in the context of sustainable development and equitable water management practices.

November 2002, General Comment No. 15 on the Right to Water

This comment offered a detailed interpretation of the right to water, connecting it to Articles 11 and 12 of the ICESCR. It defined water as a human right, essential for maintaining human dignity and for realizing other rights. It also outlined states' responsibilities in protecting this right and identified potential violations. The comment stated unequivocally that "the human right to water is indispensable for leading a life in human dignity."

July 2005, Draft Guidelines for the Realization of the Right to Drinking Water and Sanitation¹⁵

In 2005, the UN Economic and Social Council received a report from Special Rapporteur El Hadji Guissé, outlining draft guidelines intended to support government officials, international organizations, and civil society in implementing the right to drinking water and sanitation. While these guidelines did not legally define the right, they provided practical advice for making access to water and sanitation a reality.

November 2006, Human Rights Council Decision 2/104¹⁶

The Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights to conduct an in-depth study on international obligations concerning equitable access to safe drinking water and sanitation. This study, informed by input from States and relevant stakeholders, was to provide recommendations and be submitted before the Council's sixth session.

¹⁴ United Nations, International Conference on Water and Sustainable Development: The Dublin Statement on Water and Sustainable Development, U.N. Doc. A/CONF.151/26 (1992)

¹⁵ United Nations Economic and Social Council, Draft Guidelines for the Realization of the Right to Drinking Water and Sanitation, U.N. Doc. E/CN.4/2005/25 (2005).

¹⁶ United Nations Human Rights Council, *Decision 2/104: Human Rights and Access to Safe Drinking Water and Sanitation*, U.N. Doc. A/HRC/2/104 (2006).

December 2006, Convention on the Rights of Persons with Disabilities¹⁷

This Convention emphasized the right of individuals with disabilities to an adequate standard of living, including equal access to clean water services. Article 28 mandated that States take measures to ensure accessible and affordable services for persons with disabilities, promoting their right to social protection without discrimination.

March 2008, Human Rights Council Resolution 7/22

In 2008, the Human Rights Council adopted a resolution to appoint an independent expert for three years to focus on human rights obligations related to access to safe drinking water and sanitation. This step reinforced the Council's commitment to monitoring and addressing water access issues globally.

July 2010, UN General Assembly Resolution A/RES/64/292

The UN General Assembly passed this resolution, officially recognizing the right to water and sanitation as essential for the fulfillment of all human rights. It called upon States and international organizations to provide financial resources, build capacity, and transfer technology to support developing nations in ensuring safe, clean, accessible, and affordable drinking water and sanitation for all people.

Right to Water in India

In India, the right to access clean drinking water is seen as an extension of the Right to Life under Article 21 of the Constitution. This right is inferred from related rights such as the right to food, the right to a clean environment, and the right to health, all of which are protected under this broad constitutional guarantee. A review of international treaties suggests that the framers of the Indian Constitution implicitly considered water a fundamental resource. Over time, access to water has become explicitly recognized in international human rights conventions, with the understanding that basic human rights cannot be realized without access to clean water.

In addition to Article 21, the following constitutional provisions further highlight the importance of water:

¹⁷ United Nations General Assembly, Convention on the Rights of Persons with Disabilities, U.N. Doc. A/RES/61/106 (2006).

- Article 39(b) mandates that the State direct its policy to ensure the equitable distribution of material resources, including water, in a way that serves the common good.
- Article 47 establishes the State's duty to improve public health, nutrition, and living standards, emphasizing the importance of safe water as a component of these goals. It also calls for the prohibition of intoxicants harmful to health.
- Article 51(A)(g) outlines the fundamental duty of every citizen to protect and improve the natural environment, including forests, rivers, lakes, and wildlife. This duty is imposed on citizens, emphasizing their role in environmental preservation.

Article 262 addresses the adjudication of disputes related to inter-state rivers and river valleys. Parliament has the authority to enact laws for the resolution of these disputes. It can also limit the jurisdiction of courts, including the Supreme Court, in such matters. While the Constitution does not explicitly state the right to safe drinking water as a fundamental right, water rights exist under riparian rights, as mentioned in Article 262, aimed at resolving water disputes between states.

Case Example

Ramesh, a resident of a remote village in Uttar Pradesh's Bundelkhand region, experienced severe hardship due to a prolonged drought. With local water bodies dried up and no access to groundwater due to the area's geography, Ramesh had to walk long distances daily to collect a small amount of drinking water. His life improved significantly when a piped water supply was introduced to his village, though the supply is available only for a few hours each day. Despite this limitation, the change has made a substantial difference in his life, showcasing the critical impact of water access.

Supreme Court's Intervention on Water Rights

Over the last fifty years, while several acts and provisions have been enacted in India, a clear legislative framework addressing the right to water has been lacking. This gap has been effectively addressed by the judiciary, which has interpreted various constitutional provisions in a liberal manner. The right to a healthy environment, including access to clean water, has been recognized as an extension of the right to life under Article 21 of the Constitution of India. The courts have treated the right to clean drinking water as a negative right, meaning the right to prevent pollution of water sources. Several landmark cases have illustrated this judicial approach:

Subhash Kumar v. State of Bihar (1991)¹⁸

In this case, the Supreme Court ruled that the right to life under Article 21 includes the right to pollution-free water and air. The Court emphasized:

"The right to life includes the right to enjoy unpolluted water and air for the full enjoyment of life. If anything impairs or endangers this quality of life in violation of the law, citizens can seek remedy through Article 32 to address pollution that negatively affects their life."

Vellore Citizens' Welfare Forum v. Union of India (1996)¹⁹

This case was a petition against pollution caused by tanneries and industries in Tamil Nadu. The petitioners argued that untreated effluents were being discharged into the Palar River, the main drinking water source for local residents. The Supreme Court, recognizing the common law right to a clean environment, applied the precautionary principle and the polluter pays principle to award compensation to those affected by pollution. The Court stated:

"Constitutional and statutory provisions safeguard an individual's right to fresh air, clean water, and a pollution-free environment. The source of this right lies in the inalienable common law right to a clean environment."

Delhi Water Supply and Sewage v. State of Haryana (1996)²⁰

In this case, the Supreme Court underscored the fundamental nature of water, declaring:

"Water is a natural gift, and it should not be turned into an instrument of oppression. Its primary use is for drinking, and it would be unjust to deny people living along a river access to drinking water while allowing others to use it for non-essential purposes. A river flows through various territories, and justice demands that all regions benefit from it equally, without some areas being deprived of water for basic needs."

M.C. Mehta v. Kamal Nath (1997)²¹

This case introduced the public trust doctrine into Indian jurisprudence. The Supreme Court ruled:

"Our legal system, influenced by English common law, includes the public trust doctrine. Under this doctrine, the State is the trustee of natural resources, such as water, air, forests, and

¹⁸ Subhash Kumar v. State of Bihar, AIR 1991 SC 420

¹⁹ Vellore Citizens' Welfare Forum v. Union of India, AIR 1996 SC 2715

²⁰ Delhi Water Supply and Sewage v. State of Haryana, AIR 1996 SC 2992.

²¹ M.C. Mehta v. Kamal Nath, (1997) 1 SCC 388.

ecologically sensitive areas, which are meant for public use and enjoyment. The public is the ultimate beneficiary of these resources, and the State has a legal obligation to protect them. These resources cannot be privatized or converted into private ownership."

Through these judgments, the Supreme Court has significantly advanced the legal recognition of water rights in India, interpreting the right to clean water as an essential component of the right to life under Article 21.

A.P. Pollution Control Board II v. Prof. M.V. Nayudu (1999)²²

In this case, the Andhra Pradesh government granted an exemption to a polluting industry, allowing it to be established near two significant reservoirs—Himayat Sagar and Osman Sagar lakes—contrary to the Environment Protection Act of 1986. The Supreme Court invalidated the exemption, ruling that neither the Environment Protection Act nor the Water (Prevention and Control of Pollution) Act of 1974 permitted the state to exempt a specific industry from pollution regulations in restricted areas. The Court determined that such an exemption was arbitrary, contrary to public interest, and in violation of the right to clean water, a fundamental right under Article 21 of the Constitution. The Court also highlighted that the government's decision disregarded the precautionary principle, which could lead to disastrous consequences for the citizens of the twin cities, who rely on these lakes for drinking water.

Narmada Bachao Andolan v. Union of India (2000)²³

In this case, the Supreme Court reaffirmed that water is a fundamental necessity for human survival and an integral part of the right to life under Article 21 of the Indian Constitution. The Court further emphasized that the right to a healthy environment and the principle of sustainable development are inherent aspects of the right to life.

State of Karnataka v. State of Andhra Pradesh (2000)²⁴

The Supreme Court, in this case, ruled that the right to water is essential to the right to life and, therefore, a fundamental right under Article 21. This ruling reinforced the idea that access to water is a constitutional right.

²² A.P. Pollution Control Board II v. Prof. M.V. Nayudu, (2001) 2 SCC 62.

²³ Narmada Bachao Andolan v. Union of India, (2000) 10 SCC 664.

²⁴ State of Karnataka v State of Andhra Pradesh, (2000) 9 SCC 572

P.R. Subhash Chandran v. Government of Andhra Pradesh & Others (2001)²⁵

In this case, the Supreme Court asserted that it is the state's responsibility to ensure access to clean drinking water for all citizens. The ruling emphasized the duty of the government to provide safe water as a basic public service, underlining its significance as part of the right to life under Article 21 of the Constitution.

Meaning of the Right to Water

What does the right to water actually entail? Does it simply mean providing water to everyone in need, or does it go beyond that?

To clarify, it's helpful to look at jurisprudence from South African courts. Jaap de Visser argues that the right of access to water places two interrelated but distinct obligations on the State:

- 1. Physical Access:** The State must ensure that everyone has physical access to water. This means water facilities should be within safe and convenient reach, particularly for vulnerable and marginalized communities.
- 2. Economic Access:** The cost of accessing water must be affordable, ensuring that individuals do not have to sacrifice other essential needs in order to gain access to water.
- 3. Protection Against Infringement:** Once the right to water is guaranteed, individuals should be safeguarded from any undue infringement upon their access to it.

Right to Water Under the South African Constitution

Unlike the Indian Constitution, which does not explicitly mention the right to water but upholds a broad right to life under Article 21, the South African Constitution specifically guarantees the right to water. Article 27 of the Bill of Rights in the South African Constitution states:

- 27(1): Everyone has the right to access sufficient food and water.
- 27(2): The State is required to take reasonable legislative and other measures, within the limits of available resources, to progressively realize these rights.

While protecting these rights, the South African Constitution acknowledges that the availability of resources is a critical factor in their implementation. The Constitution assigns responsibility to all levels of government—national, provincial, and local—to work together to ensure access to water. The national government must set the overall framework, while local governments are tasked with the actual delivery of water to citizens.

²⁵ P. R. Subhash Chandran v Government of Andhra Pradesh & Others (2001)

The Right of Access to Sufficient Water

Two notable cases from South Africa highlight the country's approach to the right to water:

1. Manqele v Durban Transitional Metropolitan Council

In this case, the applicant, an unemployed woman living with seven children, sought a legal declaration that the disconnection of water services to her home was unlawful. She argued that the by-laws allowing the disconnection were in violation of the Water Services Act, which provided for a basic water supply. However, Manqele did not base her argument on constitutional grounds. The council successfully defended its position, stating that since no regulations had been established to define what constituted a "basic" water supply at that time, the right she relied upon lacked sufficient legal foundation. Additionally, the court noted that Manqele had illegally reconnected the water supply, suggesting this act contributed to her denial of relief. In response to this case, the government moved to define a basic water supply in concrete terms within a year.²⁶

2. Residents of Bon Vista Mansions v Southern Metropolitan Local Council

The South African High Court took a different approach in this case. The applicants had their water supply disconnected due to non-payment and sought urgent relief to have it reconnected. This time, they relied directly on constitutional provisions. The court found that disconnecting water services could be considered a *prima facie* violation of the right to access water. While the Water Services Act allowed for service providers to set conditions for disconnection, the court emphasized that disconnection should not completely deprive individuals of access to basic water services. For those unable to pay, water services should be restricted to a basic level rather than entirely cut off. The court concluded that any disconnection must meet constitutional justification, particularly when it comes to individuals proving their inability to pay.

These cases underscore the protection of the right to water in South Africa. They affirm that individuals are entitled to access a basic level of water supply, even in cases where they cannot afford to pay, and that the State cannot completely deny this access.

²⁶ 5 [2002] (6) BCLR 625.

Application in India

The jurisprudence from South Africa could be applied in India to strengthen the argument that the right to water should be framed as a positive right. Rather than merely preventing the pollution of water sources, the right to water in India should ensure that the State is obligated to provide access to clean water for all citizens, particularly for those who lack it.

Water Scarcity in India: Challenges and Solutions

The increasing water scarcity in India is a serious concern that is bound to hinder the country's growth, public health, and environment sustainability. India has vast population which is over 1.4 billion citizens, making the country experience severe water shortages mainly due to factors such as excessive consumption, pollution, and climatic change. Regardless of holding 4% of the world's freshwater, India cannot supply sufficient water to meet the demands of its people, agriculture, and industries.

Contributing Factors

The principal cause of water scarcity in India is the excessive withdrawal of groundwater. India accounts for 25% of the world's consumption of groundwater and is the world's largest consumer of groundwater. This unsustainable activity has resulted in drastic declines in water tables in states such as Punjab, Haryana, and Rajasthan. In some areas, the rate at which water is being depleted is alarming, raising concerns about the long-term supply of water.

Another important factor is pollution. Industrial discharge, untreated sewage, and agriculture runoff have heavily polluted both surface and groundwater sources. Rivers like Ganga, Yamuna, and Sabarmati are highly polluted, and their waters are no safe for drinking and have harmed aquatic ecosystem. The contamination further reduces the availability of potable water. Climate change has also exacerbated the water crisis in India. Altered monsoon patterns have led to unpredictable rainfall, resulting in frequent droughts and floods. For example, in recent years, the north-east monsoon experienced a 44% decrease in rainfall, while the south-west monsoon was deficient by 10%. These changes have directly affected reservoir levels and groundwater recharge.

Economic and Social Implications

The economy and social stability of India are indeed under threat from this scarcity of water. Agriculture is also one of the most vulnerable sectors, particularly because it alone uses about 80% of India's water resources. Low yield crops lead to insecurity in food supply and even farmers livelihoods could be in jeopardy. Others industries also stand to suffer a production slowdown, resulting in unemployment and the further plunging of the economy. Public health is another issue. Around 163 million Indians do not have access to safe drinking water, and more than 210 million people do not have access to improved sanitation facilities. The lack of water and poor quality water lead to waterborne diseases like cholera, diarrhea, and dysentery. According to UNICEF, waterborne diseases have an economic burden of around USD 600 million every year in India.

Government Initiatives and their Effectives

Recognizing the severity of the water crisis, the Indian government has undertaken several initiatives to address the issue:

Jal Shakti Abhiyan: - The campaign is based on water conservation, rainwater harvesting, and rejuvenation of traditional water bodies. It has brought about increased awareness and rainwater harvesting structures have been constructed in many areas; however, the long-term effects are minimal due to difficulties in community participation and sustained maintenance.

Atal Bhujal Yojana: - It is aimed at sustainable groundwater management through community participation. So far, the result have been encouraging in the pilot regions chosen for improvement in groundwater levels. But scaling up this success nationwide has been slow because of bureaucratic hurdles and funding issues.

Namami Gange Programme: - This ambitious mission to clean and rejuvenate the Ganga River has achieved, and several sewage treatment plants have been constructed. Nevertheless industrial discharge and untreated waste continue to pose challenges.

While so much happening, many initiatives are still short of funds for implementation, inadequate coordination between center and state authorities, and bad implementation. Increasing the use of technology-based methods, strict monitoring of pollution and control laws in place, as well as better community participation must be ensured that these initiatives truly

deliver their proposed results.

Villages Severely Affected by water scarcity:

If we talk about water then the condition of Indian villages is worse than the cities. India is one of the fastest growing country but still there are villages who did not have excess of water. Rajasthan, known for its vast deserts and arid climate, embodies the severe water scarcity crisis confronting many Indian villages. With an average rainfall of merely 500 mm per year, the state faces extreme challenges in securing sufficient water supplies for its population. The acute shortage of clean drinking water has dire implications for health, agriculture, and overall quality of life for the villagers. Villages like Chhoti Khatu, Kawai, Kundal are some villages which are either dependent upon rain water, ground water or has to fetch from miles. In Maharashtra villages like Dhadgaon, Palghar, Beed etc. has to face water shortage for several days. In Beed it is observed due to lack of clean water people there suffer from water diseases especially childrens.

According to UNICEF & WHO **Access to drinking water, rural country ranking from 2000-2022**, India stands at **23rd rank with 66% of population who have access to drinking water** while countries like Bhutan, Ukraine, Turkmenistan, Uzbekistan, Kyrgyzstan stands above India in the list.

Condition in Europe: -

Where India fight for every droplet of water, the primary challenge of European countries concerning their water management involves a different direction. For over centuries, the water supply available in Europe is relatively adequate and has only just started to draw down with increased climate change, industrial activities. Southern European states like Spain, Italy, Greece are suffering increased drought cases; whereas in North and Central European states, excessive flooding and increased water pollution can be noted. Unlike India, Europe enjoys developed infrastructure and strict water management use of water by setting broad goals for water conservation and pollution control. This framework has resulted in the considerable improvement of water quality and resources efficiency across member states.

One major area of different in the agriculture sector. India has mainly subscribed to water intensive practices in agriculture, whereas Europe has largely adapted the irrigation techniques with higher efficiency coupled with water-conserving technologies. Moreover, industrial

control in Europe is tighter and hence pollution from the factories is minimal, leaving freshwater sources intact.

One reason Europe is succeeding relatively well is because of awareness and participation within the community. European citizens often know much about water conservation techniques and are therefore more likely to participate in measures that will curb the waste of water. However, Europe is not without its challenges. Effects of climate change are becoming more pronounced, causing glaciers to shrink and river flows to diminish. This has made countries invest in new technologies and infrastructure to face the potential shortages of water.

India faces a very different challenges: - Poor infrastructure, incoherent policies, and public apathy are the challenges India faces to fight water scarcity. Although some of the government programs like Jal Shakti Abhiyan and Atal Bhujal Yojana have shown some of promise, the scale of the problem requires much more holistic and integrated efforts. To learn from Europe's successes, India can concentrate on adopting the latest technologies, strengthening the regulatory framework, and promoting community participation in water conservation. All of these efforts must be combined and implemented in cooperation between the government, private sector, and local communities to successfully overcome the challenges of water scarcity and ensure a sustainable future for all.

Conclusion

In many regions of India, especially rural areas, water infrastructure is either inadequate or nonexistent, making it impossible to deliver water. The policy of providing free basic water must be supplemented by initiatives that aim to quickly expand access to water infrastructure, particularly for the rural poor. In rural communities, where there are fewer high-volume water users to subsidize the free provision of water, local governments face financial difficulties. This often leads to drastic measures such as water disconnections, depriving residents of access. Water policies need to be better tailored to address the specific needs of rural populations, who are among the most vulnerable.

The rhetoric surrounding the human right to water, when translated into practice, can sometimes shift toward strategies that resemble consumer rights. This shift is often seen in market-driven approaches, where the urgency of the rights claim becomes entangled in

complex regulatory frameworks. However, this does not necessarily undermine the claim that water is a human right. While market forces may play a role in fulfilling water needs, it is ultimately the responsibility of the State to ensure that this right is realized, even if private intermediaries are involved. Policies around distributive justice and universal access can be strengthened through regulations on cross-subsidies and detailed procedures governing disconnection practices by water service providers.²⁷



²⁷ B Morgan, “The Regulatory Face of the Human Right to Water” (2004) 15 Journal of Water Law 179-187.